

which is recognized in the United States Pharmacopeia, an official compendium, and the quality and purity of the article fell below the official standard since the article was not sterile but was contaminated with viable micro-organisms. Misbranding, Section 502 (a), the label statement "Sterile" was false and misleading.

DISPOSITION: February 25, 1954. The defendants having entered pleas of guilty, the court fined the corporation \$1,600 and the individual \$1,600.

4332. Adulteration and misbranding of rubber prophylactics. U. S. v. 4,995 Gross * * *. (F. D. C. No. 33352. Sample Nos. 37686-L, 37687-L.)

LABEL FILED: On or about July 25, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about February 29 and March 18 and 25, 1952, by the Allied Latex Corp., from East Newark, N. J.

PRODUCT: 4,995 gross of *rubber prophylactics* at New York, N. Y. Examination of 288 prophylactics showed that 4.8 percent were defective in that they contained holes.

LABEL, IN PART: (Carton) "Stags Prophylactics One Gross."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label designation "Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: April 23, 1954. Goodwear Rubber Co., Inc., New York, N. Y., claimant, having filed an answer and later withdrawn its claim and answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

4333. Misbranding of Sacrasol capsules. U. S. v. Edwin K. Osmun (Physicians' Ethical Products). Plea of not guilty. Tried to the court. Verdict of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 32752. Sample No. 75706-K.)

INFORMATION FILED: July 10, 1952, Northern District of Illinois, against Edwin K. Osmun, trading as Physicians' Ethical Products, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 10, 1950, from the State of Illinois into the State of Iowa.

LABEL, IN PART: (Bottle) "Sacrasol Active Ingredients Syzygium Vesicaria Rhus. Aromatic Apis Virus Lithium Benzoate Phosphoric Acid (Dilute) Uranium Nitricum 1/1000 Gr. per Cap. Thiamin Hydrochloride."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on circulars entitled "Sacrasol in Diabetes Mellitus" and "Thiamin Chloride Essential For The Disposal of Starches and Sugars," on a card entitled "Announcement," and in a letter dated March 8, 1950, which circulars, card, and letter accompanied the article, were false and misleading. The statements represented and suggested and created the impression that the article was an adequate and effective treatment for diabetes, itching skin, excessive thirst, and abnormal appetite associated with diabetes; that the article was an adequate and effective treatment for preventing toxic build-up in the liver or kidneys;

*See also Nos. 4328, 4331, 4332.

for correcting dysfunctions in the carbohydrate metabolism; for disposing of excess sugar in the blood and urine; for diabetic ulcerations; for weakness, emaciation, enuresis due to atony, hematuria, and cystitis; and that the article was an adequate and effective treatment for all forms of urinary and kidney difficulties, nephralgia, dropsy, flatulence, diarrhea, periosteal inflammation, abscesses, gangrene, gout, and nettle rash. The article was not an adequate and effective treatment for the diseases and conditions stated and implied.

DISPOSITION: The defendant having entered a plea of not guilty, the case came on for trial before the court without a jury on March 22, 1954. The trial was concluded on the same day, with the return by the court of a verdict of guilty and the imposition of a fine of \$1,000, plus costs, against the defendant.

4334. Misbranding of homeopathic drugs. U. S. v. 40 Bottles, etc. (F. D. C. No. 33320. Sample No. 33367-L.)

LIBEL FILED: July 7, 1952, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On various dates between November 17, 1950, and March 29, 1952, from Chicago, Ill.

PRODUCT: 40 1-ounce bottles, 116 2-ounce bottles, and 17 1-pound bottles of *calcareo fluorica tablets*, 1 2½-pound box of *calcareo fluorica*, 28 1-ounce bottles and 15 1-pound bottles of *calcareo phosphate tablets*, 9 1-ounce bottles, 41 2-ounce bottles, and 10 1-pound bottles of *calcareo sulfate tablets*, 1 2-pound box and 2 1-pound bottles of *ferrum phosphate*, 21 1-pound bottles and 81 2-ounce bottles of *ferrum phosphate tablets*, 30 1-ounce bottles, 48 2-ounce bottles, and 9 1-pound bottles of *kali muriaticum tablets*, 17 1-ounce bottles and 37 2-ounce bottles of *kali phosphate tablets*, 5 1-ounce bottles, 21 2-ounce bottles, and 15 1-pound bottles of *kali sulfate*, 32 1-ounce bottles and 7 1-pound bottles of *magnesia phosphate tablets*, 127 2-ounce bottles and 2 1-pound bottles of *natrum muriaticum tablets*, 45 1-ounce bottles, 46 2-ounce bottles, and 6 1-pound bottles of *natrum phosphate tablets*, 40 1-ounce bottles, 91 2-ounce bottles, and 7 1-pound bottles of *natrum sulfate tablets*, 49 1-ounce bottles, 139 2-ounce bottles, and 16 1-pound bottles of *silicea tablets*, 41 1-pound bottles of various kinds of *special formula tablets*, and 2 1-pound bottles containing a mixture of *homeopathic drugs in powder form* at Milwaukee, Wis., in possession of Louis Pauly, together with a number of booklets entitled "My Open Letter No. 12," "Supplement Letter No. 15 November, 1949," "Supplement Letter No. 6 June, 1945," and "Supplement Letter No. 19 April, 1952"; a number of leaflets entitled "Letter No. 13," "Excerpts From My Coming Letter No. 14 for 1949," "I am calling this sheet my No. 17 Letter, July, 1951," and "Letter No. 18"; a number of leaflets headed "Louis Pauly"; and a number of blotters bearing the words "Professional Comments On The Bio-Chemic System of Medicine" and "My Proposed Cover Page For Letter No 16 November, 1950."

RESULTS OF INVESTIGATION: The above-mentioned booklets, leaflets, and blotters were printed in the Milwaukee, Wis., area for the consignee.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the articles, namely, the above-mentioned booklets, leaflets, and blotters accompanying the articles, contained statements which were false and misleading. Such labeling contained certain general statements which represented and suggested that the articles constituted adequate and effective cure, mitigation, treatment, and prevention of chronic diseases, lymphoblastoma, all skin diseases, tubercu-